REMARKS

Claims 17 and 18 are now pending in the application. Claims 1 – 16 were previously cancelled. Accordingly, claims 17 and 18 are presently pending for consideration in this application.

REJECTIONS UNDER 35 U.S.C. § 103

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakaya, of record, in view of Flynn, of record. This rejection is respectfully traversed. Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakaya in view of Ohno and Flynn, of record. This rejection is also respectfully traversed.

THE CITED ART

Nakaya discloses a radio communication terminal that has voice communication means and image communication means. The voice communication means and the image communication means are controlled based on the remaining battery power. More specifically, when the remaining battery power is at or below a certain threshold, the terminal only uses the voice communication means. When the remaining battery is above that threshold, the terminal can use the voice communication means and the image communication means.

However, Nakaya does not disclose or suggest a power supply detector that detects if power is supplied from an external power source or a controller that controls the voice communication means and the image communication means based on the detection by the power supply detector such that the voice communication means and

the image communication means are available any time the power is supplied from the external power source as set forth in claim 17. Furthermore, Nakaya does not disclose or suggest a power supply detector that detects if power is supplied from an external power source or a controller that controls a transmission speed, voice communication means, and image communication means based on the detection by the power supply detector such that the voice communication means and the image communication means are available and the controller controls the transmission speed at a first speed any time power is supplied from the external power source as set forth in claim 18.

Flynn discloses a battery-powered mobile station that is controlled based on the capacity of its battery (abstract). It also discloses a microprocessor that determines whether a charger is available to measure charging rate to thereby obtain the present capacity value (col. 13, lines 30-35).

However, Flynn does not disclose or suggest a controller that controls the voice communication means and the image communication means based on the detection by the power supply detector, wherein the voice communication means and the image communication means are available any time the power is supplied from the external power source, and wherein the voice communication means is available while the image communication means is unavailable when the power is not supplied from the external power source as set forth in claim 17. Furthermore, Flynn does not disclose or suggest a controller that controls a transmission speed, the voice communication means, and the image communication means based on the detection by the power supply detector, wherein the voice communication means and the image communication means are available and the controller controls the transmission speed

at a first speed any time power is supplied from the external power source, and wherein the voice communication means and the image communication means are available and the controller controls the transmission speed at a second speed that is slower than the first speed when the power is not supplied from the external power source as set forth in claim 18.

Ohno discloses a means for changing coding speed setting for a portable phone based on battery conditions (col. 3, lines 20 – 48). Settings may further include lowering the amount of data transmitted over a given period of time, i.e. rate or speed of data transmission (col. 5, line 36 through col. 6, line 4).

However, Ohno does not disclose or suggest a controller that controls the voice communication means and the image communication means based on the detection by the power supply detector, wherein the voice communication means and the image communication means are available any time the power is supplied from the external power source, and wherein the voice communication means is available while the image communication means is unavailable when the power is not supplied from the external power source as set forth in claim 17. Furthermore, Ohno does not disclose or suggest a controller that controls a transmission speed, the voice communication means, and the image communication means based on the detection by the power supply detector, wherein the voice communication means and the image communication means are available and the controller controls the transmission speed at a first speed any time power is supplied from the external power source, and wherein the voice communication means and the image communication means are available and the controller controls the transmission speed at a second speed that is slower than

the first speed when the power is not supplied from the external power source as set forth in claim 18.

ARGUMENT

In support of the rejection of claim 17, the Examiner combined the teachings of Nakaya and Flynn. The Examiner stated that in a case wherein the power remaining in the battery of the Nakaya device was at the threshold, the addition of the charger of the Flynn device would cause the battery level to rise above the threshold, thus allowing the use of both communicating means, whereas otherwise only the voice means would be allowed use, and would inherently be based at least in part on the detection.

It is respectfully submitted, however, that when the battery of the Nakaya device is well below the threshold, voice communication is available, and image communication is not available, even if the charger of the Flynn device is attached. Accordingly, the cited art, either standing alone or in combination, fails to disclose or suggest a power supply detector that detects if power is supplied from an external power source and a controller that controls the voice communication means and the image communication means based on the detection by the power supply detector such that the voice communication means and the image communication means are available any time the power is supplied from the external power source as set forth in claim 17. Thus, Applicant respectfully requests allowance of claim 17, as amended.

In support of the rejection of claim 18, the Examiner combined the teachings of Nakaya, Flynn, and Ohno. The Examiner stated that in a case wherein the power remaining in the battery of the Nakaya device was at a threshold, the connection of the

charger of the Flynn device would cause the battery level to rise above the threshold thus allowing the use of both communicating means, whereas otherwise only the voice means would be allowed use, and would inherently be based at least in part on the detection.

Again, it is respectfully submitted that when the battery of the Nakaya device is well below the threshold, voice communication is available, and image communication is not available, even if the charger of the Flynn device is attached. Accordingly, the cited art, either standing alone or in combination, fails to disclose or suggest a power supply detector that detects if power is supplied from an external power source and a controller that controls a transmission speed, voice communication means, and image communication means based on the detection by the power supply detector such that the voice communication means and the image communication means are available and the controller controls the transmission speed at a first speed any time power is supplied from the external power source as set forth in claim 18. Thus, Applicant respectfully requests allowance of claim 18, as amended.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 10, 2005

By: _____
Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MJS/tev/pmg